

AMENDED IN ASSEMBLY MARCH 25, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2079**

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**Introduced by Assembly Members Torlakson and Davis**

February 18, 2010

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~~An act relating to student athletes.~~ *An act to add Section 67365 to the Education Code, relating to student athletes.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2079, as amended, Torlakson. Student athletes: recruiting.

Existing law prohibits any person from giving, offering, promising, or attempting to give any money or any other thing of value to any particular student athlete or member of the immediate family of the student athlete for purposes of inducing or encouraging the student athlete's application, enrollment, or attendance at a public or private institution of postsecondary education in order to have the athlete participate in intercollegiate sporting events, contests, exhibitions, or programs at that institution, except in accordance with the bylaws of the National Collegiate Athletic Association, as specified.

~~This bill would state the intent of the Legislature to enact legislation relating to student athlete recruiting.~~

*This bill would define, for purposes of its provisions, a "student athlete" as an individual who resides in California and who attends an elementary, junior high, high school, or postsecondary educational institution, and who participates in any interscholastic athletic program in California, including an individual who receives scholarship funds for his or her athletic participation and an individual who does not receive scholarship funds for his or her athletic participation. The bill, commencing January 1, 2011, would require any intercollegiate athletic*

*program from a postsecondary educational institution in the State of California or outside the State of California, within one week of personal contact with a student athlete, to provide in writing to the student athlete a disclosure letter that describes, among other things, the athletic program's policies concerning athletic scholarship issuance, renewal, and cancellation, medical expenses, and academic requirements. The bill would require the athletic program to post this disclosure letter on its Internet Web site. The bill would require that any written scholarship offer be made within one week of a verbal offer, and would require that this written offer be accompanied by specified information relating to the terms and conditions of the offer.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 67365 is added to the Education Code,  
2     to read:  
3     67365. (a) For purposes of this section, the following  
4     definitions shall apply:  
5     (1) "Athletic program" means any intercollegiate athletic  
6     program from a postsecondary educational institution in the State  
7     of California or outside the State of California that solicits student  
8     athletes to apply, enroll, or attend the postsecondary educational  
9     institution in order to have the student athlete participate in  
10    intercollegiate sporting events, contests, exhibitions, or programs  
11    at that institution.  
12    (2) "Student athlete" means an individual who resides in  
13    California and who attends an elementary, junior high, high school,  
14    or postsecondary educational institution, and who participates in  
15    any interscholastic athletic program in California, including an  
16    individual who receives scholarship funds for his or her athletic  
17    participation and an individual who does not receive scholarship  
18    funds for his or her athletic participation.  
19    (3) "Personal contact" means any direct, individualized contact  
20    made by a collegiate athletic recruiter for purposes of athletic  
21    recruiting with a student athlete or his or her family members,  
22    including, but not limited to, telephone calls, personalized mail,  
23    in-person contact, or e-mail.

(b) (1) Commencing January 1, 2011, within one week of any personal contact with a student athlete for purposes of recruiting the student athlete for a collegiate interscholastic athletic program, the collegiate athletic recruiter shall provide in writing to the student athlete the following disclosure letter, in substantially the following form:

*Disclosure Letter*

*I. Athletic Scholarship Information* (shall not exceed 250 words)

(A) The most recent cost of attendance expenses as published by the postsecondary educational institution's financial aid offices for the academic year and for the summer year (amounts listed separately).

(B) The sum of expenses identified in paragraph (A) that are prohibited from inclusion in a full grant-in-aid athletic scholarship pursuant to the National Collegiate Athletic Association's (NCAA) rules and regulations.

(C) The policy of the postsecondary educational institution's athletic program as to whether student athletes will receive athletic scholarships for summer school, and, if so, whether these scholarships are proportional to athletic scholarships received during the regular academic school year.

(D) The average monthly full grant-in-aid athletic scholarship payment received by student athletes who live on-campus and off-campus, respectively, during the regular academic year and summer school session.

*II. Athletic Scholarship Renewals* (shall not exceed 250 words)

(A) The NCAA's policy on scholarship duration.

(B) The policy of the postsecondary educational institution's athletic program concerning the renewal or nonrenewal of an athletic scholarship, including circumstances in which a student athlete in good standing suffers a temporary or permanent sports-related injury, there is a coaching change, or a student athlete's athletic performance is deemed to be below expectations.

*III. Athletically Related Medical Expenses* (shall not exceed 500 words)

1 (A) *The NCAA's policy on whether athletic programs are*  
2 *mandated to pay for athletically related medical expenses.*

3 (B) *The policy of the postsecondary educational institution's*  
4 *athletic program on whether it will pay for student athletes'*  
5 *athletically related medical expenses, including deductibles,*  
6 *copays, coinsurance, and whether the program will pay for*  
7 *athletically related medical expenses that exceed any maximum*  
8 *insurance coverage limits.*

9 (C) *The policy of the institution's athletic program concerning*  
10 *who is required to pay for any required athletically related*  
11 *insurance premiums for student athletes who do not have such*  
12 *insurance.*

13 (D) *The duration of time the postsecondary educational*  
14 *institution's athletic program continues to pay for athletically*  
15 *related medical expenses after a student athlete's athletic eligibility*  
16 *expires.*

17 (E) *Whether or not an athletic program's medical policy covers*  
18 *expenses associated with attaining a second medical opinion for*  
19 *an athletically related injury from a medical physician that is not*  
20 *associated with the athletic program, and whether the athletic*  
21 *program provides coverage for services received by such a*  
22 *physician.*

23  
24 IV. Athletic Release *(shall not exceed 250 words)*

25 (A) *The NCAA policy on whether an athletic program may refuse*  
26 *to grant an athletic release to a student athlete who wishes to*  
27 *transfer to another postsecondary educational institution.*

28 (B) *The policy of the postsecondary educational institution's*  
29 *athletic program concerning whether it may use any power to*  
30 *refuse to grant an athletic release for a student athlete who wishes*  
31 *to transfer to another postsecondary educational institution.*

32 (2) *Commencing January 1, 2011, each interscholastic athletic*  
33 *program that recruits any student athlete shall prominently post*  
34 *the disclosure letter described in paragraph (1) on its official*  
35 *athletic Internet Web site.*

36 (3) *Changes to any athletic program policy included in a*  
37 *Disclosure Letter shall be sent in writing to all student athletes,*  
38 *as well as any athletes currently enrolled in the institution who*  
39 *were recruited from the state of California.*

1     (c) Commencing January 1, 2011, any scholarship offer made  
2     to a student athlete shall be made in writing within one week of a  
3     verbal offer. If the written offer is sent more than one year in  
4     advance of the earliest date a student athlete is authorized,  
5     pursuant to the rules and regulations of the NCAA, to sign an  
6     agreement with an institution's athletic program, the athletic  
7     program shall send a subsequent letter stating whether or not the  
8     offer is still valid no later than five months prior to the earliest  
9     signing period. The initial written offer and, if applicable,  
10    subsequent letter shall include at least all of the following  
11    information:

12    (1) The disclosure letter described in subdivision (b).

13    (2) Whether or not the athletic scholarship offer will expire and  
14    all terms of any such expiration.

15    (3) Whether or not the athletic program will guarantee that the  
16    student athlete's acceptance of the offer prior to any expiration  
17    will be honored.

18    (4) Whether or not the offer includes an athletic scholarship for  
19    summer school.

20    (5) Whether or not the student athlete will be guaranteed  
21    admission and full athletic participation at an institution if a  
22    specific academic level is achieved during the remainder of the  
23    student athlete's high school career, and a description of any such  
24    academic level.

25    (6) The terms and the amount of any death benefit provided by  
26    the postsecondary educational institution in case of a sports-related  
27    death.

28    (d) Nothing in this section shall be construed to require a  
29    postsecondary educational institution to revise athletic scholarship  
30    contracts entered into prior to the effective date of this bill.

31    ~~SECTION 1. It is the intent of the Legislature to enact~~  
32    ~~legislation relating to student athlete recruiting.~~